

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

MELVIN JAMES JACKSON,

Plaintiff

VS.

Nurse PEGGY CHESTER,

Defendant.

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1 : 06-CV-168 (WLS)

RECOMMENDATION

Presently pending in this action brought pursuant to § 1983 is the plaintiff's Motion to Dismiss. On December 27, 2006, the court issued an order seeking to clarify the plaintiff's somewhat unclear intentions as to the dismissal of this lawsuit, inasmuch as the pending motion to dismiss was based on plaintiff's letter to the court dated December 26, 2006, which contained a statement appearing to seek dismissal. In response to the court's December 27, 2006, letter, the plaintiff has indicated that he wishes to prosecute this action. Accordingly, it is the recommendation of the undersigned that the plaintiff's Motion to Dismiss be **DENIED** at this time. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable W. Louis Sands, United States District Judge, WITHIN TEN (10) DAYS of receipt thereof.

SO RECOMMENDED, this 25th day of June, 2007.

/s/ **Richard L. Hodge**

RICHARD L. HODGE

UNITED STATES MAGISTRATE JUDGE

